

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rogelio BERNAL-Ibarra,
Juan MARTINEZ-Leyva

Defendant(s)

) Magistrate Case No.

) '08 MJ 11 17

) COMPLAINT FOR VIOLATION OF:


) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

) Transportation of Illegal
) Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 9, 2008** within the Southern District of California, defendant **Rogelio BERNAL-Ibarra and Juan MARTINEZ-Leyva** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Carlos CAMPOS-Reyes, Victor Manuel MARTINEZ-Razo, and Enrique MARTINEZ-Sandoval** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 11th DAY OF APRIL 2008



Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

Rogelio BERNAL-Ibarra
Juan MARTINEZ-Leyva

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Juan Carlos CAMPOS-Reyes, Victor Manuel MARTINEZ-Razo, and Enrique MARTINEZ-Sandoval** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

At approximately 8:40 p.m., Border Patrol Agent B. Blanchard observed a white Buick exit from the eastbound lanes of Interstate 8 at the Sunrise Highway Exit. The white Buick drove northbound across the Sunrise Highway Overpass, then re-entered westbound onto Interstate 8. Agent Blanchard initiated surveillance on the white Buick, following the Buick westbound on Interstate 8 from Sunrise Highway. Smuggling organizations use this area to circumvent the Border Patrol checkpoint on Interstate 8. Agent Blanchard observed the same Buick pull to the shoulder of the Interstate, then quickly merge back into traffic. The Buick continued westbound. The Buick also appeared to be riding lower to the ground.

Agent Blanchard alerted Agents with the East County Abatement Team and the Smuggling Interdiction Group to the possible load vehicle traveling westbound from Pine Valley, California. The East County Abatement Team and the Smuggling Interdiction Group maintained surveillance on the Buick into El Cajon, California. Border Patrol Agent J. Miranda assigned to the Smuggling Interdiction Group pulled to the side of the Buick and was able to observe the driver. Agent Miranda alerted both units that the driver was a Hispanic male with close-cut black hair and a mustache. At approximately 9:00 p.m., Agent Miranda assigned to a marked Agency vehicle equipped with a full set of lights and audible siren, initiated a vehicle stop at the Main Street Exit in El Cajon, California. The driver of the white Buick did not yield and began driving erratically in heavy traffic at speeds exceeding 95 miles an hour, westbound on Interstate 8. Agent Miranda terminated the pursuit and plainclothes Agents continued surveillance on the white Buick as it traveled westbound on Interstate 8.

Border Patrol Agent Remenar, continued surveillance on the Buick as it merged northbound on Interstate 15. The Buick then exited Interstate 15 at the eastbound Friars Road Exit. It also came to a crashing halt and was high centered on a curb. Agent Remenar observed several occupants flee from the vehicle including a male fleeing from the driver's door matching the description by Agent Miranda. Agent Remenar pursued the fleeing driver as he attempted to get away. Agent Remenar was able to apprehend the fleeing individual. Agent Remenar identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship. The individual later identified as defendant **Rogelio BERNAL-Ibarra**, freely claimed to be a citizen and national of Mexico. He also stated that he was present in the United States illegally. Agent Remenar placed **BERNAL-Ibarra** under arrest.

Border Patrol Agent Rivera arrived on scene and found three individuals. Agent Rivera identified himself as a United States Border Patrol Agent and questioned the subjects as to their citizenships. All three subjects freely claimed to be citizens and nationals of Mexico without any immigration documentation that would enable them to enter or remain in the United States legally. The three illegal aliens told Agent Rivera that they fled from the Buick after it came to a halt and the driver ran from the car. All three were placed under arrest.

CONTINUATION OF COMPLAINT:**Rogelio BERNAL-Ibarra****Juan MARTINEZ-Leyva**

At approximately 10:00 p.m., Border Patrol Agent T. Engelhorn was patrolling in the immediate vicinity of the Buick when he came across an individual that appeared to have been running through heavy brush. Agent Engelhorn identified himself as a United States Border Patrol Agent and questioned the individual later to be determined as co-defendant **Juan MARTINEZ-Leyva** as to his citizenship. He admitted to being a citizen and national of Mexico without any immigration documentation that would enable him to enter and remain in the United States legally. Agent Engelhorn, suspecting that **MARTINEZ** was in the Buick, placed him under arrest.

DEFENDANT STATEMENT OF Juan MARTINEZ-Leyva:

The defendant was advised of his Miranda Warnings and was willing to make a statement without an attorney present. **MARTINEZ** stated that he illegally crossed the United States/Mexico border and did not possess any immigration documents allowing him to be in the United States legally.

He freely admitted to being one of the foot guides. The defendant stated he guided the group around the Border Patrol checkpoint in order to avoid apprehension. After waiting for a while, a car came by and they loaded into the car. **MARTINEZ** was to be paid \$60.00 per person to guide the illegal aliens into the United States. **MARTINEZ** stated he has successfully smuggled eight different groups of illegal aliens.

MATERIAL WITNESSES STATEMENTS:

All three material witnesses Juan Carlos CAMPOS-Reyes, Victor Manuel MARTINEZ-Razo, and Enrique MARTINEZ-Sandoval all freely admitted that they are citizens and nationals of Mexico without documents to be in the United States legally. All three material witnesses stated they walked across the United States/Mexico border with the help of a foot guide for a long time before being picked up. They stated they were to pay between \$1,500.00 and \$1,800.00 to be smuggled to Los Angeles, California.